

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Case No. 19-cr-135-1-PB
Opinion No. 2022 DNH 139

Enver Morales-Hoyos

ORDER

Enver Morales-Hoyos is serving a 72-month sentence for conspiracy to distribute a controlled substance. He has filed a motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A).

Morales-Hoyos bases his motion primarily on the fact that he is at higher than average risk that he will suffer severe illness if he should contract COVID-19. This is because he suffers from asthma, he is required to use an inhaler on a daily basis, and he was a heavy smoker for more than 30 years. In light of these conditions, he argues that “extraordinary and compelling reasons” warrant his early release. I disagree.

Although Morales-Hoyos is at higher than normal risk of suffering complications if he contracts COVID-19, his condition does not qualify as extraordinary and compelling. The defendant has been vaccinated and boosted, which substantially reduces his risk of developing severe complications from COVID. Therapeutics such as Paxlovid can further reduce

his risk of severe illness if he should contract COVID. Accordingly, his medical condition does not qualify as an extraordinary and compelling reason to reduce his sentence.

I recognize that Morales-Hoyos has already served a significant portion of his sentence. He has also remained free from disciplinary reports while incarcerated and he has served as a tutor for other inmates. However, these facts do not affect my conclusion that extraordinary and compelling circumstances do not warrant a reduction in his sentence.

Motion denied.

SO ORDERED.

/s/ Paul J. Barbadoro
Paul J. Barbadoro
United States District Judge

November 4, 2022

cc: Counsel of Record
U.S. Marshal
U.S. Probation